

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : KASKEL et al. Art Unit : 3623  
Serial No. : 10/757,806 Examiner : Susanna M. Diaz  
Filed : October 13, 2000  
For : AN INSTALLATION METHOD AND SYSTEM

**REQUEST FOR WITHDRAWAL AS ATTORNEYS OR AGENTS**  
**(37 CFR §§ 1.26 AND 10.40(c)(1)(iv))****Mail Stop**

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

ATTN: Special Program Examiner, TC-3600

The undersigned attorney of record hereby requests permission for withdrawal of all of the attorneys and agents of record (Counsel) in the above-identified application under 37 CFR §§ 1.36 and 10.40(c)(1)(iv). The reasons for withdrawal are discussed below. No fee of the filing of this Request is believed to be required.

**DISCUSSION**

The above-identified application was filed with the United States Patent and Trademark Office (USPTO) on October 13, 2000. The inventors assigned the rights of the application to Installation Included, Inc. A response to the Restriction Requirement has been contemporaneously filed. An Office Action dated April 13, 2004 has been received on April 16, 2004, which has a fully extended due date of October 13, 2004 for responding thereto.

On October 17, 2001 Mark Rotenstreich, Vice President and General Counsel of Installation Included, Inc. called advising counsel that the company closed up due to the attacks on the World Trade Center on September 11, 2001. Their operation was lost and a new round of financing evaporated. Counsel recently received a Stipulation and Order and the Notice of Presentment of Stipulation and Order dated December 31, 2003 stating that Installation Included, Inc. has filed Chapter 7 Bankruptcy on November 6, 2001 (copy attached). In view of the above, it is unreasonably difficult for Counsel to represent Assignee Installation Included, Inc. in the present application. It is on this basis that Counsel is requesting permission for withdrawal via the instant Request.

It is on this basis that Counsel is requesting permission for withdrawal via the instant Request.

The last known address of Assignee, Installation Included, Inc. is:

Installinc  
519 8<sup>th</sup> Ave., 3<sup>rd</sup> Floor  
New York, NY 10018.

The address of the Trustee as stated in the Stipulation and Order is:

Gregory Messer  
c/o Mr. Harold D. Jones  
Jaspan, Schelsinger, Hoffman, LLP  
300 Garden City Plaza  
Garden City, New York 11530

### **CONCLUSION**

In view of the above, the undersigned attorney of record requests withdrawal of Counsel, i.e., all of the attorneys and agents of record, under 37 CFR §§ 1.36 and 10.40(c)(1)(iv). An expedited notice approving the present Request for Withdrawal is earnestly solicited.

**AUTHORIZATION**

The Director is hereby authorized to charge any additional fees which may be required for the timely consideration of this request for Withdrawal as Attorneys or Agents, or credit any over payment, to Deposit Account No. 13-4500, Order No. 4038-4000.

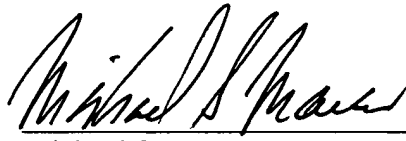
Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated:

May 25, 2004

By:



Michael S. Marcus

Registration No. 31,727

**CORRESPONDENCE ADDRESS:**

MORGAN & FINNEGAN, L.L.P.

345 Park Avenue

New York, NY 10154-0053

(212) 758-4800 (Phone)

(212) 751-6849 (Facsimile)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

INSTALLATION INCLUDED, INC.,

Debtor.

Chapter 7

Case No. 01-B-15634 (ALG)

GREGORY MESSER, AS CHAPTER 7 TRUSTEE  
OF INSTALLATION INCLUDED, INC.

Plaintiff,

v.

Adv. Pro.

CONE, INC.

**STIPULATION AND ORDER**

Defendant.

**WHEREAS**, Installation Included, Inc., the debtor (the "Debtor"), filed a voluntary petition for relief under Chapter 7 of title 11 of the United States Code (the "Bankruptcy Code") on November 6, 2001 in the United States Bankruptcy Court for the Southern District of New York;

**WHEREAS**, Gregory Messer (the "Trustee") was appointed as the Chapter 7 Trustee by the United States Trustee pursuant to 11 U.S.C. § 701;

**WHEREAS**, the books and records of the Debtor reflect that Cone, Inc. ("Cone") received a preferential transfer (the "Debtor's Claim") in the amount of not less than \$6,474.13;

**WHEREAS**, Cone disputes the amount of the Debtor's Claim and has asserted certain defenses thereto;

**WHEREAS**, the Trustee and Cone (collectively the "Parties") have reached a settlement (the "Settlement") of the Debtor's Claim;

**WHEREAS**, as part of the Settlement, Cone has agreed to pay the Trustee the sum of \$2,160.00 in full and final satisfaction of any and all claims between the Parties;

**NOW**, therefore the Parties agree as follows:

1. Cone is directed to pay the Trustee the sum of \$2,160.00 within ten days after the entry of an order approving this Settlement.

2. Upon receipt and clearance of the payment of the sum set forth in paragraph 1 above, the Trustee and Cone, and their successors and assigns, do hereby remise, release and forever discharge each other, of any and all claims, debts, demands, actions, causes of action, suits, dues, sum and sums of money, accounts, reckonings, bonds, specialties, indemnities, exonerations, covenants, contracts, controversies, agreements, promises, doings, omissions, variances, damages, executions and liabilities, whether known or unknown, suspected or unsuspected, absolute or contingent and whether previously asserted or otherwise which were or could have been asserted in this case prior to the date hereof. Specifically, Cone waives any and all claims against the Debtor's estate. This release shall be and remain in effect notwithstanding

the discovery of existence of any new or additional fact or any fact different from that which the Trustee or Cone knew or believed to be true.

Dated: Garden City, New York  
December 31, 2003

**JASPAN SCHLESINGER HOFFMAN LLP**  
Attorneys for the Trustee

By: /s/ Harold D. Jones  
Harold D. Jones (HDJ-4652)  
A Member of the Firm  
300 Garden City Plaza  
Garden City, New York 11530  
(516) 746-8000

Dated: Boston, Massachusetts  
December 24, 2003

**CONE, INC.**

By: /s/ Jens E. Bang  
Jens E. Bang  
President and Chief Operating Officer  
90 Canal Street  
Boston, Massachusetts 02114  
(617) 227-2111

SO ORDERED  
this \_\_\_\_ day of January 2004

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ALLAN L. GROPPER  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

Presentment Date: January 14, 2004  
Time: 12:00 p.m.

In re

INSTALLATION INCLUDED, INC.,

Debtor.

GREGORY MESSER, AS CHAPTER 7 TRUSTEE  
TRUSTEE OF INSTALLATION INCLUDED, INC.

Plaintiff,

v.

CONE, INC.,

Defendant.

Case No. 01-B-15634 (ALG)

Chapter 7

**NOTICE OF PRESENTMENT OF STIPULATION AND ORDER**

**PLEASE TAKE NOTICE** that Gregory Messer, the Chapter 7 Trustee (the "Trustee") of Installation Included, Inc., the debtor (the "Debtor"), by his attorneys, Jaspan Schlesinger Hoffman LLP, will present the attached proposed Stipulation and Order to the Honorable Allan L. Gropper, United States Bankruptcy Judge, for signature on January 14, 2004 at 12:00 p.m.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the proposed Order must be made in writing and received in the Bankruptcy Judge's chambers and by the

undersigned not later than 11:30 a.m. on January 14, 2004. Unless objections are received by that time, the Order may be signed

Dated: Garden City, New York  
December 31, 2003

Jaspan Schlesinger Hoffman L.L.P.  
Attorneys for the Trustee

By: /s/ Harold D. Jones  
Harold D. Jones (HDJ-4652)  
A Member of the Firm  
300 Garden City Plaza  
Garden City, New York 11530  
(516) 746-8000

To: Attached service list